

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

**In re: Danny Thomas Hogan,
Helen B. Hogan
Debtors,**

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**Chapter 13
Case No.: 11-11015**

**Kristin Hurst,
Trustee.**

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Motion for Modification of Plan Before Confirmation

Comes now, Danny Thomas Hogan and Helen B. Hogan, Debtors in the above-captioned case, under the authority of Section 1323 of the Bankruptcy Code, and file this their Motion for Modification of Plan Before Confirmation and respectfully show to the Court the following:

Debtors withdraw their Chapter 13 plan filed in the above-referenced case and hereto file, and substitute in lieu thereof, a new plan to show a dividend to the general unsecured creditors in the amount of \$2000.00. Debtors' monthly plan payment will remain the same. A copy of the new plan is attached.

After notice and opportunity for objections, the new plan should become the Debtors' plan.

Wherefore Debtors pray that this Motion for Modification of Plan Before Confirmation be approved.

Respectfully submitted:

/s/ Franklin D. Hayes
Franklin D. Hayes
Attorney for Debtors
P.O. Box 2377
Douglas, GA 31534
(912) 383-6132
Ga Bar No.: 339910

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

**In re: Danny Thomas Hogan,
Helen B. Hogan
Debtors,**

**Kristin Hurst,
Trustee.**

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**Chapter 13
Case No.: 11-11015**

Certificate of Service

I, Franklin D. Hayes, attorney for Debtors, Danny Thomas Hogan and Helen B. Hogan, do hereby certify that I
have this day served a copy of the foregoing **Debtors' Modification of Plan Before Confirmation** upon:

Kristin Hurst
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902

All Parties Listed on the Creditor Matrix

by mailing a copy of same to them via First Class mail in properly addressed envelopes with postage sufficient
to cover the cost of the same.

This 4 day of October, 2011.

/s/ Franklin D. Hayes
FRANKLIN D. HAYES
Attorney for Debtors
P.O. Box 2377
Douglas, Georgia
(912) 383-6132
GA Bar No: 339910

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

**In re: Danny Thomas Hogan,
Debtor,**

**Kristin Hurst,
Trustee.**

* **Chapter 13**
* **Case No.: 11-11015**

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Notice of Debtor's Motion for Modification of Plan Before Confirmation

Danny Thomas Hogan, Debtor in the above-captioned case, having filed papers with the Court to modify his/her Chapter 13 Plan before Confirmation.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to Modify the Plan, or, if you want the Court to consider your views on the Motion for Modification Before Confirmation, then you or your attorney must file with the United States Bankruptcy Court, P.O. Box 1957, Macon, Georgia 31202 (478) 752-3506 a written objection by March 23, 2011 and attend the confirmation hearing scheduled to be held at November 1, 2011 at 9:00 am at the C B King U.S. Courthouse Second Floor 201 West Broad Ave. Albany GA 31701, C.B. King U.S. Courthouse, 2nd Floor, U.S. Bankruptcy Courtroom, 201 Broad Avenue, Albany, Georgia 31701.

If you mail your objection to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

Any objection must also be mailed to the moving party and upon all other persons indicated on the certificate of service attached to this pleading.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion/Objection and may enter an order granting that relief.

This 4 day of October, 2011.

/s/ Franklin D. Hayes
Franklin D. Hayes
Attorney for Debtor
P.O. Box 2377
Douglas, GA 31534
(912) 383-6132
Ga Bar No.: 339910

IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

**In re: Danny Thomas Hogan,
Debtor,**

**Kristin Hurst,
Trustee.**

* **Chapter 13**
* **Case No.: 11-11015**
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*

Certificate of Service

I, Franklin D. Hayes, attorney for Debtor, Danny Thomas Hogan, do hereby certify that I have this day served a copy of the foregoing **Notice of Debtor's Modification of Plan Before Confirmation** upon:

Kristin Hurst
Chapter 13 Trustee
P.O. Box 1907
Columbus, Georgia 31902

All Parties Listed on the Creditor Matrix

by mailing a copy of same to them via First Class mail in properly addressed envelopes with postage sufficient to cover the cost of the same.

This 4 day of October, 2011.

/s/ Franklin D. Hayes
FRANKLIN D. HAYES
Attorney for Debtor
P.O. Box 2377
Douglas, Georgia
(912) 383-6132
GA Bar No: 339910

UNITED STATES BANKRUPTCY COURT
Middle District of Georgia

DEBTOR **Danny Thomas Hogan**
Helen B. Hogan

* Chapter 13
* Case No. 11-11015

CHAPTER 13 PLAN, amended

1. The future earnings of the debtor(s) are submitted to the supervision and control of the trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the trustee the sum of **\$245.00 Monthly for 57 months**.

2. From the payments so received, the trustee shall make disbursements as follows:

(a) The trustee percentage fee as set by the United States Trustee.

(b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim.)

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER PLAN	MONTHLY PAYMENT AMOUNT
-NONE-		

(c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
BADCOCK	\$2.00
CITIFINACIAL	\$14.00
CITIFINACIAL	\$20.00
Dell Catalog Sales LP	\$3.00
John Deere Credit	\$5.00

(d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)

NAME OF CREDITOR	AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
-NONE-				

(e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
BADCOCK	\$100.00	100.00	5.00%	furniture	\$2.00
CITIFINACIAL	\$1,363.00	2,862.00	5.00%	2002 Mercury	\$27.00
CITIFINACIAL	\$8,000.00	4,000.00	5.00%	Star Trek, collection	\$79.00
				computer, zune, zune	
				dock, cannon printer,	
				sony av receiver, sony	
Dell Catalog Sales LP	\$3,000.00	600.00	5.00%	blue ray and tv,	\$12.00
FIRST FRANKLIN	\$644.00	0.00	0.00%	hhg	\$0.00
John Deere Credit	\$800.00	500.00	5.00%	lawn mower	\$10.00

(f) *Attorney fees ordered pursuant to 11 U.S.C. §507(a)(2) of \$ 3,000.00 to be paid as follows:

MONTHLY PAYMENT AMOUNT	
Pursuant to the Current Administrative Order on Attorney Fee Awards	

(g) After the above are paid, distributions will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

NAME OF CREDITOR	AMOUNT DUE	ESTIMATED VALUE	INTEREST RATE	COLLATERAL
-NONE-				

(h) The following collateral is surrendered to the creditor:

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL
-NONE-	

(i) The following domestic support obligations will be paid over the life of the plan as follows: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will include interest at the rate of ____%. (If this is left blank, no interest will be paid).

NAME OF CREDITOR	PAYMENT AMOUNT
-NONE-	

(j) The following unsecured claims are classified to be paid at 100%. These payments ~~will~~ / will not be made simultaneously with payment of the secured debt:

-NONE-

(k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law.

(l) The debtor(s) will be the disbursing agent on the following debts:

Bachomeloans

(m) Special provisions:

CITIFINANCIAL - Avoid Lien

Attorney fees will be paid under the plan. Debtor requests a payroll deduction be sent to Fitzgerald Light and Bond, P.O. Box 667, Fitzgerald GA 31750. Secured claims will be paid a rate of 5% unless noted. All property of the estate, whether in the possession of the trustee or the debtor, will revert in debtor upon confirmation pursuant to 11 U.S.C. §1327(b).

(n) Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative, debtors will pay the highest of the three)

(i) Debtor will pay all of his disposable income as shown on Form B22C of \$0.00 to the non priority unsecured creditors in order to be eligible for a discharge.

(ii) If the debtor filed a Chapter 7 case, the priority and other unsecured creditors would receive \$0.00. Debtor will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge in this case.

(iii) The debtor will pay \$2000.00 to the general unsecured creditors to be distributed prorata.

(o) General unsecured creditors whose claims are duly proven and allowed will be paid:

(1) 0 % dividend as long as this dividend exceeds the highest amount, if any, shown in paragraph (n)(i), (n)(ii), or (n)(iii), and the debtor pays in at least 36 monthly payments to be eligible for discharge.

(2) the debtor(s) will make the payments for _____ months and anticipates a dividend of _____, but will also exceed the highest amount shown in paragraph (n)(i), (n)(ii) or (n)(iii) above.

(p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to the court's jurisdiction, notwithstanding § 1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the trustee shall remain in the possession of the debtor. All property in the possession and control of the debtor shall be insured by the debtor. The chapter 13 Trustee will not and is not required to insure assets and has no liability for injury to any person, damage or loss to any property in possession and control of the debtor or other property affected by property in possession and control of the debtor.

(q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference action will be grounds for modification of the plan.

Date October 3, 2011

Signature /s/ Danny Thomas Hogan
Danny Thomas Hogan
Debtor

Date October 3, 2011

Signature /s/ Helen B. Hogan
Helen B. Hogan
Joint Debtor

*If debtor's attorney wishes to be paid according to the Court's administrative order on attorney's fees include the phrase "pay according to the administrative order" in the blank space and make no other payment provision.

Label Matrix for local noticing
113G-1
Case 11-11015
Middle District of Georgia
Albany
Tue Oct 4 12:57:45 EDT 2011

1
433 Cherry Street
P.O. Box 1957
Macon, GA 31202-1957

Bank America
475 Crosspoint Parkway
Getzville, NY 14068-1609

CHASE
P.O. BOX 15650
Wilmington, DE 19886-5650

Capital One
P O Box 30281
Salt Lake City, UT 84130-0281

Dell Catalog Sales LP
c/o Dell USA L.P.
P.O. Box 676044
Dallas, TX 75267-6044

FIA CARD SERVICES, N.A.
PO Box 15102
Wilmington, DE 19886-5102

Fordmrc/gemb
PO Box 981439
El Paso, TX 79998-1439

GEMB/LOWES
P.O. BOX 981400
El Paso, TX 79998-1400

HSBC/RS
P.O. BOX 15524
Bridgewater, NJ 08807

HSBC Bank Nevada, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd., Ste. 200
Tucson, AZ 85712-1083

BRYLANE HOME
P.O. BOX 659728
San Antonio, TX 78265-9728

Bank of America
c/o Molly Sutter
Rubin Lublin Suarez Serrano, LLC
3740 Davinvi Court, Suite 400
Norcross, GA 30092-7613

CITIFINACIAL
202 N. Magnolia Street
TIFTON, GA 31794-4218

Card Member Service
Post Office Box 15298
Wilmington, DE 19850-5298

Dell Financial Services L.L.C.
c/o Resurgent Capital Services
PO Box 10390
Greenville, SC 29603-0390

FIRST FRANKLIN
801 S GRANT STREET
Fitzgerald, GA 31750-3704

GE CAPITAL
DEPT 0008
Palatine, IL 60055-0001

GEMB/Sams
Post Office Box 981400
El Paso, TX 79998-1400

John Deere Credit
6400 NW 86th Street, P O Box 6600
Johnston, IA 50131-6600

(p)W S BADCOCK
P O BOX 232
MULBERRY FL
33860-0232

Bachomeloans
450 American Street
Simi Valley, CA 93065-6285

CANDICA, LLC
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121-3132

CITIFINACIAL
202 N. MAGONILA DR
Tifton, GA 31794-4218

Chase Bank USA, N.A.
PO Box 15145
Wilmington, DE 19850-5145

Dorminy Medical Center
Patient Financial Services
Post Office Box 1447
Fitzgerald, GA 31750-1447

Fcnb/Deutsch
P.O. Box 9201
Old Bethpage, NY 11804-9001

GEMB/JcPenny's
Post Office Box 981127
EL PASO, TX 79998-1127

Gemb/Walmart
Post Office Box 981127
EL PASO, TX 79998-1127

John Deere Financial, f.s.b.,
f/k/a FPC Financial, f.s.b.
P.O. Box 6600
Johnston, IA 50131-6600

MRS
PERRY HOUSE RD
Fitzgerald, GA 31750

(p)PORTFOLIO RECOVERY ASSOCIATES LLC
PO BOX 41067
NORFOLK VA 23541-1067

RSHK/CBSD
Post Office Box 6003
Hagerstown, MD 21747

U.S. Trustee - MAC 13
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201-7987

WFNNB/BRYLHM
P.O. BOX 182121
Columbus, OH 43218-2121

WFNNB/KING
P.O. BOX 182121
Columbus, OH 43218-2121

WFNNB/ROAMAN
P.O. BOX 182121
Columbus, OH 43218-2121

WFNNB/Woman
P O Box 659728
San Antonio, TX 78265-9728

World Financial Network National Bank
Quantum3 Group LLC
PO Box 788
Kirkland, WA 98083-0788

Danny Thomas Hogan
334 Delta Rd
Fitzgerald, GA 31750-9125

Franklin D. Hayes
P.O. Box 2377
109 S. Madison Avenue
Douglas, GA 31533-5321

Helen B. Hogan
334 Delta Rd
Fitzgerald, GA 31750-9125

Trustee Kristin Hurst
P.O. Box 1907
Columbus, GA 31902-1907

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

W. S. Badcock, Corp.
P. O. Box 232
Mulberry, FL 33860

(d)BADCOCK
404 S. SHERMAN STREET
Fitzgerald, GA 31750

Portfolio Recovery Associates, LLC
c/o JC Penney
PO Box 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
c/o Lowes
PO Box 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
c/o Sams Club
PO Box 41067
Norfolk VA 23541

(d)Portfolio Recovery Associates, LLC
c/o Wal-Mart
PO Box 41067
Norfolk VA 23541

(d)W. S. Badcock, Corp.
P. O. Box 232
Mulberry, FL 33860

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Bank of America, N.A.

(d)HSEC Bank Nevada, N.A.
Bass & Associates, P.C.
3936 E. Ft. Lowell Rd, Suite 200
Tucson, AZ 85712-1083

End of Label Matrix	
Mailable recipients	42
Bypassed recipients	2
Total	44